



Care Act 2014

2014 CHAPTER 23

PART 2

CARE STANDARDS

Quality of services

82 Warning notice

- (1) In section 29 of the Health and Social Care Act 2008 (warning notice), after subsection (1) insert—

“(1A) But a warning notice under this section may not be given to an NHS trust established under section 25 of the National Health Service Act 2006 or an NHS foundation trust.”

- (2) In subsections (2) and (3)(a) of that section, after “warning notice” insert “under this section”.

- (3) After that section insert—

“29A Warning notice: quality of health care

- (1) If it appears to the Commission that the quality of health care provided by an NHS trust established under section 25 of the National Health Service Act 2006 or by an NHS foundation trust requires significant improvement, the Commission may give the trust a warning notice.

- (2) A warning notice under this section is a notice in writing—

- (a) stating that the Commission has formed the view that the quality of health care provided by the trust requires significant improvement,
- (b) specifying the health care concerned,
- (c) giving the Commission’s reasons for its view, and

Status: This is the original version (as it was originally enacted).

- (d) requiring the trust to make a significant improvement to the quality of the health care concerned within a specified time.
- (3) Where a warning notice under this section imposes more than one requirement under subsection (2)(d), it may specify different times for different requirements.
- (4) The Commission must—
 - (a) where the notice specifies only one time under subsection (2)(d), determine at the end of that time whether the requirement has been complied with;
 - (b) where the notice specifies more than one time under subsection (2)(d), determine at the end of the latest of those times, whether the requirements have been complied with.
- (5) Where, having carried out the duty under subsection (4), the Commission is satisfied that a requirement to which the notice relates has not been complied with, it—
 - (a) must decide what action to take in relation to the trust, and
 - (b) in so deciding in the case of an NHS foundation trust, must consider in particular whether to require Monitor to make an order under section 65D(2) of the National Health Service Act 2006 (appointment of trust special administrator).”
- (4) In each of the following provisions of that Act, after “section 29” insert “or 29A”—
 - (a) section 32(1)(a) (decisions against which appeal may not be made to the First-tier tribunal),
 - (b) section 39(2)(c) (bodies required to be given certain notices), and
 - (c) section 89(1)(e) and (2) (publication of information relating to enforcement action).
- (5) In section 88(1)(d) of that Act (guidance issued by the Commission about enforcement action), for “section 29” substitute “sections 29 and 29A”.